HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO.441 OF 2006

PETITIONER		Nankiram, aged about 45 years, S/o. Ghasiram Kurmi, Cultivator and resident of village Reewapar, P.C. No.6, Tahsil Kartala, District Korba, (C.G.)
	Vs.	
RESPONDENTS	1.	Ramnath, aged about 42 years, S/o. Punuram Kurmi, resident of village Reewapar, P.C. No.6, Tahsil Kartala, District Korba (C.G.)
	2.	Tahsildar Korba
	3.	Sub Division Officer, (Revenue), Korba (C.G.)
	4.	State of Chhattisgarh, Through-Collector, Korba (C.G.)

Present : Shri Saifuddin Rajas, learned counsel for the petitioner.
Shri Utkarsh Verma, learned Dy. G.A. for the State.

(ORAL ORDER)
(Passed on 27th January, 2006)

The petitioner made an application to Patwari, Reewapar to survey and demarcate the boundary line and identify the land of the petitioner bearing Survey No.1015/1 admeasuring 0.5 decimal and Survey No.737/2 admeasuring 0.3 decimal, situate in village Reewapar, P.C. No.6, Tahsil Kartala, District Korba. The Patwari, Reewapar endorsed the petitioner that he would survey and demarcate the boundary line only after reconstruction of the village map which is said to have been lost. When the matter stood thus, the petitioner also filed an application before the S.D.O. (Revenue), Korba, the 3rd respondent herein, under Section 145 Cr.P.C.. The 3rd

respondent called for a report from the Patwari, Reewapar as well as jurisdictional police. The Patwari, Reewapar submitted a report to the same effect as noted above. In the circumstance and opining that there is no likelihood of breach of peace, the 3rd respondent refused to initiate proceedings under Section 145 Cr.P.C. by the impugned order.

(2) Having heard learned counsel for the parties, I am of the considered opinion that no exception could be taken to the action of the Patwari, Reewapar and the order made by the 3rd respondent. It is needless to state that in order to survey and demarcate the boundary line of the subject land, village map is absolutely necessary. However, the contention of the learned counsel for the petitioner is that the nephew of the petitioner highhandedly has been interfering with the petitioner's possession and enjoyment of the subject land and, therefore, any delay on the part of the Patwari, Reewapar in surveying and demarcating the boundary line of the subject land would result in great injury and hardship to the petitioner. It is not that the petitioner is left with no legal remedy. The dispute is between two private parties, the petitioner and his nephew. If the nephew of the petitioner without any legal authority and justification interferes with lawful possession and enjoyment of the petitioner's property, certainly, it is open to the petitioner to workout his legal remedies by instituting a suit for declaration and injunction. It needs to be noticed that in a matter like this, civil suit is the effective and comprehensive remedy. Either the 3rd respondent or the revenue authority can grant any comprehensive relief to the petitioner. Looking from any angle, there is no warrant for this Court to step-in under Article 226/227 of the Constitution of India and interfere with the order made by the Patwari, Reewapar village or the made by the S.D.O. (Revene), Korba. The writ petition is, therefore, dismissed. This order,

however, shall not come in the way of the petitioner to work out his legal remedies by instituting a civil suit before the jurisdictional Civil Court. However, it is expected that the Patwari, Reewapar shall take immediate steps to reconstruct the village map and on such reconstruction, without any further loss of time, he would take steps to dispose of the application of the petitioner for survey and demarcation of the boundary line of the subject land. No costs.

Sd/-
Chief Justice

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